Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
15 December 2017

Original: English

Committee against Torture

Concluding observations on the initial report of Timor-Leste*

1. The Committee against Torture considered the initial report of Timor-Leste (CAT/C/TLS/1) at its 1594th and 1597th meetings (see CAT/C/SR.1594 and 1597), held on 22 and 23 November 2017, and adopted the present concluding observations at its 1610th meeting, held on 4 December 2017.

A. Introduction

2. The Committee welcomes the submission of the initial report of Timor-Leste and the information contained therein. It regrets, however, that the report was submitted with a delay of over 11 years, which prevented the Committee from conducting a periodic analysis of the State party's implementation of the Convention following its accession in 2003.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments in the period since the entry into force of the Convention for the State party in 2003:

(a) The Convention on the Rights of the Child, on 16 April 2003;

(b) The International Convention on the Elimination of All Forms of Racial Discrimination, on 16 April 2003;

(c) The Convention on the Elimination of All Forms of Discrimination against Women, on 16 April 2003;

(d) The International Covenant on Economic, Social and Cultural Rights, on 16 April 2003;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 16 April 2003;

(f) The International Covenant on Civil and Political Rights, on 18 September 2003;

(g) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 18 September 2003;

* Adopted by the Committee at its sixty-second session (6 November–6 December 2017).

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(h) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 30 January 2004;

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 2 August 2004.

5. The Committee also welcomes the following legislative measures taken by the State party in areas of relevance to the Convention:

(a) The adoption, on 26 May 2004, of Law No. 7 of 2004, providing for the establishment of the Office of the Ombudsman for Human Rights and Justice;

(b) The adoption, on 6 May 2009, of Law No. 2 of 2009 on witness protection;

(c) The adoption, on 3 May 2010, of Law No. 7 of 2010 against domestic violence.

6. The Committee commends the State party's initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The adoption of the second National Action Plan on Gender-based Violence (2017–2021);

(b) The adoption of the national action plan for children's rights (2016–2020), which calls for the issue of corporal punishment to be addressed;

(c) The establishment by the Ministry of Justice of a prison support service network, a platform for information-sharing on prison monitoring that comprises representatives of different ministries, the national human rights institution and civil society organizations.

7. The Committee welcomes the publication in 2005 of the final report of the Commission for Reception, Truth and Reconciliation, giving the results of its investigations into the human rights violations suffered by the Timorese people during the period between April 1974 and October 1999.

C. Principal subjects of concern and recommendations

Gross human rights violations, including torture committed during the Indonesian occupation and post-referendum period (1975–1999)

8. While welcoming the creation in July 2017 of the memorial institution Chega! National Centre, the Committee remains seriously concerned about the State party's continued failure to implement a number of key recommendations from the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship established by Indonesia and Timor-Leste. In this regard, it is concerned about the absence of any concerted efforts to bring to justice those responsible for the killing or disappearance of an estimated 18,600 people and the more than 11,000 allegations of torture and over 1,000 allegations of sexual violence, including rape and sexual slavery, documented by the Commission for Reception, Truth and Reconciliation. Moreover, the Committee considers that the State party's decision in 2014 to expel judges, prosecutors and other foreign judicial actors who were fulfilling line functions in the judicial system impedes the effective investigation, prosecution and punishment of crimes against humanity and other past gross human rights violations, hampers victims' efforts to obtain redress and raises concerns about judicial independence in the country. The Committee regrets that the State party did not provide information on the status of the 396 completed investigation files reportedly handed over by the Serious Crimes Investigation Team to the Prosecutor General of Timor-Leste in June 2013. The Committee also regrets that Parliament has not adopted legislation on reparations for past human rights violations (arts. 2 and 12–14).

9. **The Committee notes that the State party's delegation expressed the view that it was in the State party's national interest to maintain good relations with Indonesia and that the national approach to addressing past violations reflected that concern.**

While appreciating the challenging context in which the State party's efforts to date have taken place, the Committee recalls that the prohibition against torture is non-derogable and that the State party's obligations under the Convention require it to take further action to prevent impunity for perpetrators and ensure redress for the many victims of torture residing in the State party. The Committee calls upon the State party to:

(a) **Ensure the wide public dissemination and full and effective implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship regarding victims' rights to justice, truth and reparation;**

(b) **Take effective measures to allow the special panels for serious crimes to be reconvened and for prosecutions involving allegations of crimes of torture, including sexual violence, and enforced disappearance, to resume;**

(c) **Seek cooperation with the Indonesian authorities in extraditing persons for whom the special panels for serious crimes issued arrest warrants for crimes including torture, and enhance efforts to ensure criminal accountability for perpetrators of crimes committed in the past, and particularly for those with the greatest responsibility for their commission;**

(d) **Consider including the database on victims, alleged perpetrators and witnesses compiled by the United Nations Serious Crimes Investigation Team and given to the national authorities in 2013 in a publicly accessible national archive;**

(e) **Ensure the expeditious redrafting of proposed legislation to provide redress for all victims of past human rights violations, as recommended by the Chega! National Centre, and ensure that all victims of torture and ill-treatment, including sexual violence, obtain redress, including compensation and the means for as full rehabilitation as possible.**

Enforced disappearance

10. The Committee is concerned that little progress has been made regarding the investigation of many alleged cases of enforced disappearance that occurred in the State party during the period 1975–1999. It also notes with concern that the State party has not yet established a commission on enforced disappearance tasked with gathering data about all disappearances perpetrated throughout this period and with identifying the whereabouts of the estimated 4,500 children from Timor-Leste who were forcibly taken to Indonesia during the occupation, as recommended by the bilateral Commission of Truth and Friendship (arts. 2, 12–14 and 16).

11. **The Committee urges the State party to redouble its efforts to determine the fate and whereabouts of all the individuals reported missing between 1975 and 1999. In particular, the State party should:**

(a) **Take appropriate measures to ensure effective and impartial investigations into all outstanding cases of alleged enforced disappearance; to ensure, if possible, the prosecution and punishment of the perpetrators; and to provide compensation to the families of the victims;**

(b) **Undertake renewed efforts to clarify, in cooperation with Indonesia, the whereabouts of the missing, ensure criminal accountability for perpetrators and facilitate the return of the remains of the deceased. In particular, the State party should establish a commission on enforced disappearance as a matter of urgency, and ensure that the commission is empowered to establish a database and collect data on disappearance, disaggregated by gender, age, geographical region, type, location of disappearance and, where available, on the date and place of exhumation, to identify the whereabouts of children forcibly taken from Timor-Leste to Indonesia, and to undertake further inquiries regarding unresolved disappearances that occurred prior to 1999;**

(c) **Consider providing financial support for the efforts of civil society organizations and the Office of the Ombudsman for Human Rights and Justice to identify and locate children who were separated from their parents and reunify them with their families in Timor-Leste;**

(d) **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

Impunity for acts of torture and ill-treatment

12. The Committee is concerned at the State party's repeated assertion that no cases of torture were recorded by the authorities during the period under review. In this connection, the Committee reiterates its concern that widely publicized cases of alleged torture or ill-treatment by police officers in Atauro, Oecusse and Maliana have not resulted in any prosecutions and, more broadly, that the Committee has received information concerning many allegations of torture and ill-treatment, including excessive use of force, involving the police, as well as reports that the security forces reportedly commit such abuses with impunity. Furthermore, the Committee regrets the lack of information provided by the State party on the results of its investigation into many alleged incidents of torture and ill-treatment committed by members of the police and military in the context of a joint operation against the Maubere Revolutionary Council in 2014 and 2015, such as the one in Lalulai village, Bacau municipality, where a number of individuals, including women and children, were allegedly arbitrarily detained, beaten and threatened by the authorities to compel them to divulge information about the whereabouts of members of the group (arts. 2, 4, 12–14 and 16).

13. **The Committee urges the State party to:**

(a) **Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially, and that the perpetrators are prosecuted and, if found guilty, punished in accordance with the gravity of their acts, as required by article 4 of the Convention;**

(b) **Follow up on the progress of investigations concerning recent allegations of torture and ill-treatment by the police and military, in particular in the above-mentioned cases occurring in Lalulai, Oecusse and Maliana, and provide information concerning the outcome of those investigations, including whether they resulted in prosecutions and whether the victims obtained redress, in the State party's next periodic report to the Committee.**

Allegations of ill-treatment by the police

14. The Committee notes with concern that well-regarded studies, including population surveys, have revealed that members of the police are perceived as engaging, alone and in joint operations with the military, in excessive use of force, as untrustworthy and as reinforcing a cycle of violence and impunity. Moreover, according to the information received, high-level officials have occasionally encouraged the police to engage in excessive use of force against suspected criminals. The Committee further regrets that the State party did not provide any data on specific sentences, if any, that police officers tried on charges of ill-treatment, including excessive use of force, during the reporting period had received; any data on disciplinary sanctions imposed on offenders; or any indication of whether the alleged perpetrators of those acts were suspended from public service pending the outcome of the investigation of the complaint (arts. 1–13 and 16).

15. **The State party should:**

(a) **Ensure that high-level officials unambiguously reaffirm the absolute prohibition of torture and ill-treatment and publicly announce that anyone committing such acts or being found to be otherwise complicit or acquiescent in torture or ill-treatment will be personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties;**

(b) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to torture or ill-treatment, including the**

excessive use of force, by police and other law enforcement officers and ensure that perpetrators are prosecuted and the victims receive adequate redress;

(c) **Increase its efforts to systematically provide training to all law enforcement officers on the use of force, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(d) **Provide all members of the police and other law enforcement officers with uniforms that include appropriate visible identification to ensure individual accountability and protection against acts of torture and ill-treatment;**

(e) **Undertake efforts to systematically collect data concerning allegations of excessive use of force by the police made to the police, to the Office of the Ombudsman for Human Rights and Justice or to other official bodies, and track the progress of investigations into such cases, including whether any investigations result in disciplinary proceedings and/or prosecutions, and their outcome, including penalties imposed, and provide this information to the Committee.**

Prompt, thorough and impartial investigations

16. While taking note of the establishment in 2014 of the police forensic and criminal investigations unit under the authority of the Ministry of Justice, the Committee is concerned by the fact that the State party provided no information on the activities undertaken by this unit with respect to investigating allegations of torture or ill-treatment during the reporting period (arts. 2, 12, 13 and 16).

17. **The Committee urges the State party to:**

(a) **Ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body and that there is no institutional or hierarchical relationship between the body's investigators and suspected perpetrators of such acts, and strengthen the capacity of the police forensic and criminal investigations unit to undertake such investigations;**

(b) **Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

(c) **Ensure that, in cases of alleged torture and ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit acts of reprisal against the alleged victim or obstruct the investigation;**

(d) **Compile data on investigations undertaken by the police forensic and criminal investigations unit and their outcomes and provide this information in the State party's next periodic report to the Committee.**

Fundamental legal safeguards

18. The Committee takes note of the procedural safeguards set out in article 60 of the Code of Criminal Procedure, namely the rights of detainees to be brought before a judge 72 hours after their arrest, to be informed of the reasons for their arrest and of their rights, to remain silent, to have access to an independent lawyer, if necessary through legal aid, and to contact relatives. It regrets, however, the lack of information provided on the measures and procedures in place to ensure the practical application of these and other fundamental legal safeguards to prevent torture and ill-treatment. In that respect, it has been reported that detainees are frequently deprived of timely access to a lawyer. It is also concerned at allegations regarding the failure to maintain accurate detention registers and to adhere to the 72-hour limit for detainees to be brought before the judge (art. 2).

19. **The State party should:**

(a) **Ensure that all detainees are afforded, by law and in practice, all fundamental legal safeguards against torture from the very outset of their deprivation**

of liberty, including the rights to be assisted by a lawyer without delay, to have immediate access to an independent medical doctor, regardless of any medical examination that may be conducted at the request of the authorities, to be informed of the reasons for their arrest and the nature of the charges against them in a language that they understand, to be registered at the place of detention, to inform promptly a close relative or a third party concerning their arrest and to be brought before a judge without delay;

(b) **Ensure that all police stations have standard operating procedures setting out these fundamental legal safeguards on file and raise awareness about these requirements among police officials and the public;**

(c) **Ensure the availability in practice of legal aid for all persons deprived of their liberty, in particular by endeavouring to employ public defenders in all of the country's municipalities;**

(d) **Strengthen the independent monitoring of police stations to ensure that police provide fundamental safeguards in practice, including by ensuring that the Office of the Ombudsman for Human Rights and Justice has sufficient resources to conduct unannounced visits to all police stations on a regular basis;**

(e) **Promulgate a uniform detention register for use in all police stations, ensure that police accurately record detailed information on every case of deprivation of liberty in such registries and endeavour to create a central registry;**

(f) **Consider creating an autonomous police oversight body that is empowered to receive complaints concerning failure by police personnel to afford fundamental safeguards in practice, including from the Office of the Ombudsman for Human Rights and Justice, and to make official decisions about disciplinary punishments;**

(g) Collect any data on cases in which police officers have been disciplined for failing to provide fundamental safeguards and provide this in the State party's next periodic report to the Committee.

Definition and criminalization of torture

20. The Committee notes with concern that acts of torture and ill-treatment are treated as if they were the same offence under the provisions of the State party's Criminal Code. In addition, the definition set out in its article 167 is limited to acts directly committed by persons vested with specific public functions, which could prevent prosecution of public officials working in areas not explicitly mentioned or other persons with delegated functions or officials who consent or acquiesce to the infliction of severe pain or suffering by others. The Committee also notes that the definition of torture contained in the Criminal Code does not include pain and suffering inflicted for the purpose of discrimination of any kind, as required by the Convention. Lastly, it is concerned that the Criminal Code fails to ensure appropriate penalties for acts of torture, since it sets the minimum penalty for torture at only two years of imprisonment (arts. 1 and 4).

21. **The State party should align article 167 of the Criminal Code with article 1 of the Convention by:**

(a) **Defining torture as a specific offence that is distinct from ill-treatment;**

(b) **Ensuring that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity is included in the definition;**

(c) **Explicitly including discrimination of any kind among the purposes for inflicting torture;**

(d) **Ensuring that the crime of torture is punishable by appropriate penalties that take into account its grave nature, in accordance with article 4 (2), of the Convention. The Committee draws the State party's attention to its general comment No. 2 (2007) on the implementation of article 2, in which it states that serious**

discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity (para. 9).

Allegations of torture and ill-treatment in prisons

22. While taking note of the explanations provided by the delegation concerning the use of "security cells" to accommodate incoming inmates, the Committee regrets that this practice implies the application of a solitary confinement regime to all prisoners during their first days of incarceration. The Committee regrets that the delegation did not provide information regarding the Committee's concern at reports that all new prisoners are subjected not only to solitary confinement for several days, but also to regular beatings and/or degrading treatment by prison staff as a form of initiation (arts. 2, 11 and 16).

23. **The State party should:**

(a) **Undertake an independent investigation into allegations that new prisoners are routinely beaten by prison staff within the first days of arrival at all of the State party's detention facilities and ensure that allegations of torture or ill-treatment revealed by that investigation result in the prosecution and punishment of perpetrators, as well as disciplinary sanctions where warranted;**

(b) **Bring its legislation and practice into line with international standards, particularly rules 43–46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which state, inter alia, that practices such as placement of a prisoner in a dark cell and corporal punishment shall be prohibited in all circumstances; that solitary confinement should be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to authorization by a competent authority; that solitary confinement shall not be imposed by virtue of a prisoner's sentence; and that the use of solitary confinement and similar measures in cases involving women and children is prohibited;**

(c) **Ensure that high-level officials communicate to all employees of the prison service that the infliction of corporal punishment on prisoners amounts to torture or ill-treatment, will not be tolerated and will result in disciplinary or criminal penalties against perpetrators and superiors who order, instigate, or consent or acquiesce to such practices.**

Conditions of detention

24. As acknowledged by the delegation, overcrowding is among the main problems facing the prison system. The Committee appreciates the State party's efforts to improve conditions of detention, in particular the planned construction of a juvenile detention centre and two prisons in Bacau and Manufahi municipalities and the installation of closed-circuit television cameras to deter prison violence. While taking note of the arrangements for the separation of categories of detained persons, the Committee remains concerned at reports indicating that the strict separation of minors from adults, pretrial detainees from convicted prisoners and women from men is not always guaranteed. The Committee further regrets that, while the delegation indicated that the State party was endeavouring to construct a separate detention centre for juveniles, it did not indicate that it was endeavouring to construct a separate detention centre for women (arts. 11 and 16).

25. **The State party should:**

(a) **Alleviate the overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures. In that connection, the Committee draws the State party's attention to the Nelson Mandela Rules and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Ensure, in law and in practice, that pretrial detention is not excessively prolonged;**

(c) **Ensure the strict separation of pretrial detainees from convicted detainees, juveniles from adults and women from men in all detention facilities and seek to create separate detention facilities for juveniles as well as for women and to ensure that appropriate services are available for members of both groups;**

(d) **Continue to install video surveillance equipment in all areas of custody facilities where detainees may be present, except in cases in which detainees' rights to privacy or to confidential communication with their lawyer or doctor may be violated. Such recordings should be kept in secure facilities and made available to investigators, detainees and lawyers.**

Internal prison complaint mechanism

26. The Committee regrets the lack of information provided by the State party regarding the existence of an internal prison complaint mechanism (art. 13).

27. **The State party should:**

(a) **Establish a fully independent complaint mechanism that persons deprived of their liberty can access confidentially and that has the authority to investigate promptly, impartially and effectively all reported allegations of and complaints about acts of torture and ill-treatment;**

(b) **Ensure that all suspected perpetrators of torture and ill-treatment are immediately suspended from their duties and remain suspended for the whole period of the investigation, particularly where there is a risk that they would otherwise be in a position to reoffend, carry out acts of reprisal against the alleged victim or hinder the investigation.**

Inspection of detention centres

28. While welcoming the establishment by the Ministry of Justice of the prison support service network and taking into account the explanations of the delegation concerning the prison monitoring activities undertaken by the Ministry of Health, the Ministry of Justice and the Office of the Ombudsman for Human Rights and Justice, the Committee regrets that the State party has not provided information on specific measures taken by prison authorities or prosecutors in response to the recommendations made and complaints of ill-treatment received by representatives of these government departments and other public bodies.

29. **The State party should:**

(a) **Ensure that the personnel of the Office of the Ombudsman for Human Rights and Justice and members of non-governmental human rights organizations are able to access all places of deprivation of liberty, without prior notice or authorization, and ensure that the Office of the Ombudsman for Human Rights and Justice has adequate resources to conduct regular monitoring of all places of detention and follow up on the response of authorities to complaints it brings to their attention;**

(b) **Ensure effective follow-up of recommendations arising from monitoring activities at detention centres and systematically collect data on the outcome of any complaints of ill-treatment received by monitors, including on any investigations undertaken and criminal or disciplinary proceedings resulting from such complaints;**

(c) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Asylum and non-refoulement

30. While noting the information provided by the delegation, the Committee remains concerned at reports that the State party may have acted in breach of the principle of non-refoulement during the period under review. Of particular concern is the forcible return to Indonesia, in July of 2013, of a group of 95 potential asylum seekers from the Rohingya minority in Myanmar and Bangladesh. While taking note of the adoption of a new Immigration and Asylum Law in 2017, the Committee is concerned that the new law retains

a 72-hour limit for filing asylum applications and that appeals against the rejection of an asylum application do not have an automatic suspensive effect.

31. **The State party should:**

(a) **Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture, including by amending the Immigration and Asylum Law to eliminate the 72-hour limit for filing asylum claims;**

(b) **Guarantee that all persons on the territory or under the jurisdiction of the State party have effective access to the procedure for determining refugee status;**

(c) **Ensure that procedural safeguards against refoulement are in place and that effective remedies are available with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections, in particular on appeal.**

Gender-based violence against women

32. While noting certain advances by the State party in raising awareness of and addressing gender-based violence against women, the Committee is concerned at reports of widespread gender-based violence against women, including domestic violence, the very low reporting and conviction rates for such crimes and the limited medical, psychological and legal assistance available to victims. Another matter of concern is the reluctance of the State party to criminalize marital rape and incest as distinct crimes. The Committee also regrets the lack of information in the State party's report on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of gender-based violence against women during the period under review (arts. 2, 12, 13 and 16).

33. **The State party should:**

(a) **Ensure that all cases of gender-based violence against women are thoroughly investigated, that perpetrators are prosecuted and appropriately sanctioned and that victims obtain redress, including fair and adequate compensation;**

(b) **Define and introduce marital rape and incest as specific criminal offences in its Criminal Code, with appropriate sanctions;**

(c) **Ensure that all victims of gender-based violence are able to access shelters and receive the necessary medical care, psychological support and legal assistance;**

(d) **Carry out public awareness programmes to encourage women to seek the assistance of national authorities in protecting them from gender-based violence and monitor the conduct of police and prosecutors to ensure that the authorities encourage and respond appropriately to women seeking protection from gender-based violence;**

(e) **Conduct effective training on gender-based violence for law enforcement personnel, judges, lawyers and social workers who are in direct contact with victims.**

Abortion

34. The Committee is particularly concerned that, pursuant to a 2009 amendment to the State party's Criminal Code, abortion is a criminal offence in all cases except where necessary to protect the life of the mother and that the Code does not provide exceptions to this rule in cases in which compelling a woman to continue a pregnancy could result in her experiencing severe pain and suffering, particularly in cases of rape, incest or severe fetal impairment.

35. **The State party should review its legislation in order to allow for legal exception to the prohibition of abortion in specific circumstances in which the continuation of pregnancy is likely to result in severe pain and suffering, such as when the pregnancy is the result of rape or incest or in cases of fatal fetal impairment, in**

line with the commitment made by Timor-Leste during the universal periodic review in November 2017 (see A/HRC/34/11/Add.1, para. 5).

Redress

36. The Committee notes with concern the lack of a legal framework for the provision of redress to victims of torture and ill-treatment. In addition, it regrets that the State party did not provide information on redress and compensation measures ordered by the courts or other State bodies and actually provided to the victims of torture or ill-treatment or their families since the entry into force of the Convention in the State party. The Committee also regrets that the State party has presented no information on redress programmes or measures taken to support and facilitate the work of non-governmental organizations that seek to provide rehabilitation to victims of torture and ill-treatment (art. 14).

37. **The State party should take all necessary legislative and practical measures to ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full rehabilitation as possible. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by States parties, in which it elaborates on the nature and scope of their obligations under the Convention to provide full redress to victims of torture.**

Coerced confessions

38. While taking note of the guarantees set forth in article 34 (4) of the Constitution and article 110 (1) of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained, inter alia, through torture, coercion or infringement of the physical or moral integrity of the individual, the Committee regrets that the State party has not provided it with examples of cases dismissed by the courts because of the submission of evidence or testimony obtained by means of torture or ill-treatment (art. 15).

39. **The State party should take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible. It should also expand vocational training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts. The State party should also provide the Committee with information on any cases in which confessions were deemed inadmissible on the grounds that they were obtained through torture and indicate whether any officials have been prosecuted and punished for extracting such confessions.**

Corporal punishment

40. While noting that the Ministry of Education has adopted a zero-tolerance policy on violence against children in educational settings, the Committee is concerned by the fact that corporal punishment of children in the home, school and alternative care and day-care settings is not yet explicitly prohibited under national law and that it remains widespread (arts. 2 and 16).

41. **The State party should amend and/or enact legislation so as to explicitly and clearly prohibit corporal punishment in all settings and take the measures necessary to prevent such punishment, including through strict enforcement of the Ministry of Education's guidelines on classroom discipline. It should encourage non-violent forms of discipline as alternatives to corporal punishment and conduct public information campaigns to raise awareness about the harmful effects of such punishment.**

Persons with mental disabilities

42. The Committee is concerned about the limited availability of psychiatric services for persons with mental disabilities in the State party, resulting in a situation in which they are forced to stay with their families, and at reliable reports suggesting that there are many cases of persons with mental disabilities in the State party being subjected to ill-treatment by family or community members, including being confined and restrained by force in degrading conditions.

43. **The State party should take urgent action to protect persons with disabilities from further abuse and ill-treatment and, to this end, should prioritize increased investment in mental health services and train police officers and other relevant officials on the need to intervene in cases where family or community members are engaging in such practices. The State party should also consider ratifying the Convention on the Rights of Persons with Disabilities.**

Violence against lesbian, gay, bisexual and transgender persons

44. While welcoming the State party's public condemnation of discrimination against individuals on the grounds of their sexual orientation or gender identity, the Committee remains concerned at reports that lesbian, gay, bisexual and transgender persons are subjected to physical maltreatment.

45. **The State party should take effective measures to prevent violence based on real or perceived sexual orientation or gender identity and ensure that all acts of violence are investigated and prosecuted promptly, effectively and impartially, perpetrators brought to justice and victims provided with redress.**

Training

46. While taking note of the existing general training programmes on human rights for police officers, members of the armed forces and judicial officers, the Committee remains concerned by the lack of information on the impact of the training provided. It also regrets the lack of specific training provided to law enforcement officials, judges, prosecutors, forensic doctors and medical personnel on how to detect and document physical and psychological sequelae of torture and other cruel, inhuman or degrading treatment or punishment (art. 10).

47. **The State party should:**

(a) **Further develop mandatory training programmes to ensure that all public officials, in particular law enforcement officers, military personnel, prison staff and medical personnel employed in prisons, are well acquainted with the provisions of the Convention and are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted;**

(b) **Develop training programmes on non-coercive investigatory techniques and apply a methodology for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the investigation and prosecution of these acts;**

(c) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(d) **Develop further training and capacity-building programmes in the justice sector to educate prosecutors and judges about the provisions of the Convention and the prohibition of torture and ill-treatment in domestic law.**

Follow-up procedure

48. **The Committee requests the State party to provide, by 6 December 2018, information on the follow-up given to the Committee's recommendations on past human rights violations; the investigation of recent allegations of excessive use of force and ill-treatment by the police and the military; and the investigation of all complaints of torture and ill-treatment (see paras. 9 (a)–(d), 13 (b) and 17 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations contained in the concluding observations.**

Other issues

49. **The Committee encourages the State party to consider making the declaration under article 22 of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.**

50. **In the light of the commitments made by the delegation during the dialogue with the Committee, the Committee encourages the State party to consider acceding to the Optional Protocol to the Convention. It also recommends that the State party promptly accept the request of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the country.**

51. **The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, to all the organs of the State party, including the relevant authorities, and also, through official websites, the media and non-governmental organizations.**

52. **The Committee invites the State party to submit its next periodic report, which will be its second, by 6 December 2021. To that end, the Committee invites the State party to accept, by 6 December 2018, the simplified reporting procedure consisting in the transmittal, by the Committee to the State party, of a list of issues prior to the submission of the report. The State party's replies to that list of issues will constitute its second periodic report under article 19 of the Convention.**